

**REGULAR MEETING
of the
CITY OF RIALTO
CITY COUNCIL
City of Rialto, acting as Successor Agency to the
Redevelopment Agency
RIALTO UTILITIES AUTHORITY**

**MINUTES
February 9, 2016**

A regular meeting of the City Council of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, February 9, 2016.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Mayor Robertson called the meeting to order at 5:06 p.m.

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The roll was called and the following were present: Mayor Deborah Robertson, Council Members Ed Scott, Ed Palmer and Shawn O'Connell. Also present were City Administrator Michael Story, City Attorney Fred Galante and City Clerk Barbara McGee. City Treasurer Edward Carrillo was absent.

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CLOSED SESSION

1. Conference with Legal Counsel - Existing Litigation: The City Council will discuss the following pending litigation(s) pursuant to Government Code Section 54956.9(d)(1):
 - (a) Bianca Rodriguez v. City of Rialto
WCAB CR-06-0500033 & CR-10-0500104
 - (b) Christopher Seelig v. City of Rialto
WCAB CR-09-0500087, CR13-005057 & CR-16-005022
 - (c) Daniel Valenzuela v. City of Rialto
WCAB CR-15-005058

CLOSED SESSION

(d) Robert Williams III v. City of Rialto

WCAB CR-04-00500010, CR-10-0500085 & CR-14-005061

(e) McGowen v. City of Rialto

SB Superior Court Case No. CIVDS 1600332

2. Conference with Legal Counsel - Anticipated Litigation: Initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9. Number of cases: One case.
3. Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Government Code Section 54956.9. Number of cases: One case.
4. Conference with Labor Negotiator regarding the following recognized employee organization pursuant to Government Code Section 54957.4:
Agency designated representatives:
Fred Galante, City Attorney
George Harris, Asst. to the CA./Director of Admin. Svs.
Employee organizations:
RPBA General Bargaining Unit
RPBA Management Bargaining Unit
RMMA Bargaining Unit
5. Conference with Real Property Negotiator. The City Council will confer with its real property negotiator concerning the following properties pursuant to Government Code Section 54956.8:
(a) Subject: Price and Terms of Conveyance - Contract of Sale
Location: 2525-2530 S. Lilac Avenue APN 0258-102-58, 59, 60 & 61-4.10 acres (Generally, the southwest corner of Lilac Avenue and Santa Ana Avenue)
Negotiators: Robb R. Steel, Asst.CA/Development Svs. Dir.
Michael T. Halliday, Delmar Commercial

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CLOSED SESSION

Motion by Council Member Scott, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to go into Closed Session at 5:03 pm.

City Council returned at 5:59 pm.

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CALL TO ORDER

Mayor Robertson called the meeting to order at 6:04 p.m.

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The roll was called and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Joe Baca Jr., Council Members Ed Scott, Ed Palmer and Shawn O'Connell. Also present were City Administrator Michael Story, City Clerk Barbara McGee and City Attorney Fred Galante.

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Pledge of Allegiance and Invocation

Mayor Deborah Robertson led the pledge of allegiance and Pastor Sonny Philips – St. Paul Family Ministries gave the Invocation.

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City Attorney's Report on Closed Session

City Attorney Fred Galante stated that City Council met in Closed Session and has not concluded their discussions on all items listed on the Agenda.

- 1a-d. Conference with Legal Counsel – Existing litigation. The five items listed on the Agenda. City Council had a discussion and no reportable action was taken.
- 1e. City Council heard a discussion and agreed to the joint defense of the City and Officer Herrera in that action.
- 2. Conference with Legal Counsel – Anticipated litigation. City Council provided direction and no reportable action was taken.
- 5. Conference with Real Property Negotiator. Concerning the property at 2525 -2530 S. Lilac Ave. Council Member Palmer abstained and left the room and not participating that discussion. City Council held a discussion and provided direction and no reportable action was taken.

The balance of the Closed Session items will need to be discussed after the Open Session and City Council will recess back into Closed Session.

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PRESENTATIONS AND PROCLAMATIONS

- 1 Certificates of Appreciation to Commissioners - Mayor Deborah Robertson
- 2 Certificate of Recognition to Rialto High School Cheer Squad – Mayor Pro Tem Joe Baca Jr.
- 3 Presentation-Veolia/Rialto Water Services-Community Conservation Fair Rick Smith & Christina Salinas
- 4 Presentation-CPR Training Record Set at Eisenhower School - Fire Chief Mat Fratus
- 5 Recognition for Completion of the National Fire Academy's Executive Fire Officer Program by Division Chief Sean Grayson - Fire Chief Mat Fratus

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Mayor Pro Tem Baca Jr. left the dais at 6:21 pm and returned at 6:28 pm

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ORAL COMMUNICATIONS

David Phillips, he announced that Eisenhower High School was awarded three of the honor roll gold footballs for Super Bowl 50 for having three players that played in one or more Super Bowls.

He attended his first Coffee With the Chief with new Police Chief De Anda. They had a great turnout at Denny's on the West Side.

He thanked Mayor Robertson for her vote at SANBAG, where she voted No to bringing Toll Lanes on the 10 Freeway.

Rialto Police will be doing more traffic enforcement. He would like Public Works to look at the Blue and Red Curbs and Flores Park. They are very faded and no one pays attention to them.

He spoke to Mr. Eisenbeisz at the Regional Transportation Meeting that Mayor Robertson had a month ago, they talked about graffiti in the flood control areas on the 210 Freeway. And it's currently worse and it's spilling out into the community. Hopefully they can clean that up when they start developing the Renaissance Project.

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Consider removing or continuing items on the Agenda

City Administrator Story stated they do not need remove any items.

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CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

1. Waive reading in full, all ordinances considered at this meeting.

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B. APPROVAL OF WARRANT RESOLUTIONS

B.1 Resolution No. 28 (01/29/16)

B.2 Resolution No. 29 (02/05/16)

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C. APPROVAL OF MINUTES

C.1 Regular City Council Meeting - January 26, 2016

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D. MISCELLANEOUS

D.1 Request City Council to Approve Resolution No. 6879 Authorizing the Submission of a Grant Application to the State Water Resources Control Board (SWRCB) of the State of California for the Recycled Water Planning Grant Program.

D.2 Request City Council to Approve the Purchase of Eight (8) APX6000 HT Radios from Motorola Inc. in the Amount of \$44,863.91.

CONSENT CALENDAR

D.3 Request City Council to Approve an Increase to the Annual Purchase Order with Bio-Tox Laboratories for Fiscal Year 2015/16 for Testing Expenditures Through June 2016 for a total cost of \$25,000.

D.4 Request City Council to Approve the Side Letter Agreement Regarding Holiday Pay Between the City of Rialto and the Rialto Police Benefit Association General Bargaining Unit in the amount of \$46,902

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to approve the Consent Calendar as presented.

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TAB 1 – 2014/2015 Annual Audit

George Harris, Administrative Services Director presented the staff report regarding the Fiscal Year 2014/2015 Audit Results.

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White Nelson Diehl Evans, LLP Audit Representative presented the audit results.

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Motion by Council Member Baca Jr., second by Council Member Scott and carried by unanimous vote to Accept the Fiscal Year 2014/2015 Audit Results and Receive and File the Fiscal Year 2014/15 Annual Financial Statements and Related Documents.

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TAB 2 – Audit Services for Fiscal Year Ending June 30, 2016

George Harris, Administrative Services Director presented the staff report regarding Contract Extension with White Nelson Diehl Evans, LLP for Audit Services.

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Council Member Scott stated that he agrees with the statements, it's impressive they got the audit done in time. Additionally, he was impressed with them being able to answer his questions today. Many times in the past they had to come back to answer questions. He supports this.

Mayor Robertson stated that the team's goal is to have the audit within 180 days. It was easy to sit with them and see their concerns and how they are going to address them.

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Motion by Council Member Scott, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to Approve a Contract Extension with White Nelson Diehl Evans, LLP for Audit Services for Fiscal Year Ending June 30, 2016, in the Amount of \$90,366.

TAB 3 - City-Wide Comprehensive Classification and Compensation Study

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George Harris, Administrative Services Director presented the staff report regarding a City-Wide Comprehensive Classification and Compensation Study.

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Council Member Scott asked if he can explain how the company was selected and by who.

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Mr. Harris stated that staff recommended that a steering committee be comprised of individuals from each bargaining unit. They had numerous meetings starting specifically about the scope to address the selection of the consultant. And how they expended the study to be conducted. That group was included in the interviews that were conducted last week. This consultant stated that it would be 7-9 months to be completed.

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Mayor Robertson stated that they had not budgeted for it yet. Was there a reason why a placeholder was not put in the budget?

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Mr. Harris stated that roughly they didn't know. The last time they did this study was around \$60,000. Also knowing they were expanding the scope and total compensation as opposed to just a salary survey it was unknown to what the costs were going to be. The recommendation for the budget adjustment at mid-year will be based on knowing the true proposal costs.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to Approve the Selected Consultant to Conduct a City-Wide Comprehensive Classification and Compensation Study.

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TAB 4 - Special Events for Calendar Year 2016

Perry Brents, Community Services Director presented the staff report regarding Special Events for Calendar Year 2016.

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Council Member Palmer stated that if they are member of one of the groups that is putting this on, like a member of Rotary and incoming President of Rotary, they are voting on an item that involves Rotary and the expenditure of money. Is he precluded from doing that?

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TAB 4 - Special Events for Calendar Year 2016

City Attorney Galante stated that the requirements for establishing a conflict of interest require that there be financial impacts to the person that is affected. If they do not receive compensation or the non-profit saves them expenses or affects them financially within the thresholds, they do not have to technically abstain. Anyone may choose to do so.

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Council Member Palmer stated that he confused, on all the vents that are listed there, he can understand why it comes in front of the Council for approval because the events are held on City owned properties. Except for one of them, the State of the Women. They are all necessary, but why is that even on the list for approval because it's not held on City property.

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Mr. Brents stated that City property is not a factor in whether or not City Council approves an event. What is more appropriate is that City Council approves an event because it serves a public purpose.

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City Attorney Galante stated as a point of order, there was a conflict of interest question which is usually appropriate to address before the discussion.

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Council Member Scott stated because the City Attorney referred to financial gain. There are several items on here which those of them that own businesses in the City in one way or another may obtain a financial gain from those events. For example Taste of Rialto which is held downtown. It does benefit his business and it benefits Mr. Palmer's business, is it considered a conflict of interest?

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City Attorney Galante stated that if the event itself, and the approval of the event has a reasonably foreseeable effect on a Council Member's finances in the tune of \$480 or more, the suggestion is if that decision could have that influence one way or another, up or down whether it provides additional income or holding the event somehow creates an impact on their business and reduces the income, the recommendation would be the Council members that could see that potential financial impact abstain.

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Council Member Scott asked if they could separate those items from here and deal with the rest of them?

He would declare a Conflict of Interest, Taste of Rialto, RunWhatchaBrung, National Night Out, Halloween Hi-Jinks and Holiday Parade

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TAB 4 - Special Events for Calendar Year 2016

Council Member Palmer stated that he sees two events that they never approved for expenditure of money. The State of Women and Mayor's Run Around the Rocks. The other events are City involved or national service organizations putting them on for charitable purposes. He doesn't see the involvement with these two events. He is kind of remise about the City having to pay money to support those.

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Mayor Robertson asked the City Administrator to share the criteria by which they decided to come up with this list and why items were put on there. And to speak to the Women's event it's been going on for 10 years. The event was not put on the list because it was requesting funds, but because it was acknowledging the fact that they had this event for the last nine years. It's reflected in past budget documents as a special event for the City of Rialto.

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Council Member Palmer stated that he was interrupted and for the Mayor to not misinterpret what he said. It's just never been in front of City Council before for approval.

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Mayor Robertson stated that this is why she asked the City Administrator to talk about why it's on the list.

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City Administrator Story stated that they identified the events on here because it's where they have utilized City resources, city staff to do the event. For the State of Women Event, it's not just the Mayor and City Clerk putting this event on but three other organizations involved. Seven of the nine years it took place at the Rialto Senior Center. It outgrew it and they don't have a venue to accommodate more than 200 people. The event has expanded and they have utilized other resources. It has been identified in the budget line item in the past. Run Around the Rocks was put on there for the same reason. It's an event that doesn't occur on City property but at a rock quarry. The criteria was not only being on City property but an event that utilizes City resources to put on the event.

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Council Member Scott stated that he had asked other items be put on this list. Not because he is opposed to them, he whole-heartedly support them but because if they are going to vet this they ought to put all the items on the list. The Farmer's Market and the PD 5k Run. The Fire Dept. has a yearly fundraiser. They should go ahead and approve that so someone along the way can't question that. He believes the Fire Dept. does a giveaway in the north end?

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TAB 4 - Special Events for Calendar Year 2016

Fire Chief Mat Fratus stated that they do not participate in the actual receiving of gifts or the distribution. It's the Las Colinas Community Group that handles that event.

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ORAL COMMUNICATIONS

David Phillips expressed his concern regarding his belief that the Mayor has a conflict of interest with some of the events.

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Council Member O'Connell stated that his concern is with the State of the Women Event. Not the actual event itself, it is definitely an event that benefits the City. It's how it is set up and how its run. For example, the first seven years it was held at the Senior Center. It cost the City about \$600 for the event. Every year since then it has gotten bigger. Two years ago it was put at 1521 S. Riverside Ave, private property. That ended up costing Public Works \$16,500, that doesn't include City clerk or additions, so about \$20,000. The concern he has there is that it was private property and no time was it brought up before City Council. Those are issues he has brought up multiple times. Why are they using City personnel and resources to fix the air conditioning there? Repair the roof? Fix the bathrooms? This is private property they have no access to. At no time did it come before City Council for approval. They have employees running around for 2-3 days setting up this event. It's like a private entertainment center. They can be using the employees to do other things. Such as potholes, drought prep, overgrown property, graffiti. They use employees for other events but usually only for a day not for 2-3 days. Public Works is already understaffed and overstretched in his opinion. The other concern he has, the City Treasurer wrote a rather scathing two page report and tried to understand his concerns. It was brought up in Closed Session and he was asked to be brought in to ask some questions. Can the Treasurer explain some of his concerns about this event?

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City Treasurer Carrillo stated that his first concern was the reporting of those contributions being received by the City. After contacting the FPPC and they explained their concerns about reporting and some of the things that should have been reported. Possible penalties and fines. He contacted the City Attorney and discussed that with him and his concerns. His concerns about the use of the building at 1521 S. Riverside Ave. The City turned on gas, electricity and water in the name of the City. Along with the letter that went out to the individuals asking for contributions, he believes they were being misled because it had the City Seal and the Federal Tax ID. Making them believe they were making a contribution to the City when in fact they were not. It was specifically for the State of Women a non-city event. Those were the concerns and again he contacted FPPC. They asked that he submit a request for formal advice. He included that memo to a previous filing he had with the District Attorney's public integrity unit to investigate and add to the investigation.

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Council Member O'Connell stated after trying to learn a little bit about what he was talking about, he came across a few things. Again, not the event, it is how it's set up. The money was put into a trust fund from his understanding. And before they get into the money, he had some concerns that somebody in the City felt it was appropriate to turn on gas, electric and water for that property. Who gave that authorization? The money was placed into a trust fund. There was some questions as to the reporting requirements. Does the City have to report the last few years? Or does the private person have to report? Why is that significant? Well there might be penalties associated with that. By placing it into this account in any year did they experience a loss?

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City Treasurer Carrillo stated that the only year that he reviewed to get an idea of what was going on was Year 2014 and the detail information he received was an indication that there was an operating loss. Contributions versus expenses and the loss was covered by General Funds.

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Council Member O'Connell stated what was concerning about that was that \$10,500 was a loss in 2014. It came out of the General Fund. When did they ever get into the business of floating loans for a private event? Or any event? Why does this account have access to the General Fund? What happens when there is extra money? Are there any other accounts like this? Who set up this account? The concern he has is with Mayor Robertson, he has repeatedly asked from this dais to be kept informed. They had a Jazz Fest which she set up and they found out a month before that they lost over \$90,000. They have this event which they lost \$10,500 in 2014. He didn't approve it. They always talk about transparency and honesty. He will always speak up when that gets violated. He also asked City Council if they were aware they were going to have a second year Jazz Event this year after experiencing \$90,000 loss. It was just pulled last week. After one of the department heads was told he was going to put it on. This what he is talking about; the honesty and transparency.

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Mayor Robertson asked the City Attorney to please respond. She is not the one who set up the accounts or she is not the one who made these decisions.

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City Attorney Galante stated the legal issues involved here, there was a question about a conflict of interest. He has not seen any facts to establish a conflict of interest. He hasn't seen any financial benefit. There was a suggestion about campaigning. He hasn't seen any information to point to that.

TAB 4 - Special Events for Calendar Year 2016

City Attorney Galante stated any abstention would be a voluntary one by the Mayor of her own prerogative. The issue that originally arose when he saw the questions about the finances and how this was being processed, his legal advice being provided publically, for any event that the City puts on, whether its financial contributions or in-kind contributions. He understands some events have been going on for years and years. Some may show up clearly in the budget and others he is not sure how they show up in the budget. His suggestion is to have the City Council consider whether those particular events serve what under the California Constitution is described as a public benefit. Anything that is on the list before them, to the extent that City contributions are provided it is his suggestion they analyze whether those events have a service to the community, provide information to the community that it benefits the community. Once the City Council has made that decision, courts do not generally question that. The City Council as the legislative body of the City has an ability to better analyze what best serves the community. Assuming all of that has happened and for example the Women's event and he asked Mr. Story how it was approved in the past. He doesn't believe there was a resolution or some discussion amongst the City Council where that finding was made. His suggestion is that it is appropriate for City Council to consider now to assure that there aren't legal issues raised. It then becomes a more difficult analysis because as Mr. Brents knows, they put on a recreation event and sometimes its sporting events for children in the community and sometimes they host CPR classes. The normal type of recreation events they do spend city monies and staff. But for every little event they don't have to come before the City Council to make that finding of a public benefit because they are more traditionally recreation events. He will admit, as the lawyer, it's very difficult sometimes to say this is a traditional recreation event. This falls a little bit outside with some private non-profits involved. This is why he would suggest that City Council authorize that. Certainly the fact that it hasn't happened doesn't mean that the City Council can't consider that finding now of whether they serve the benefit of the public and if so it can be funded with City funds.

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George Harris, Administrative Services Director stated that based on research the original deposit account was set up in 2007 to receive donations on behalf of the State of Women Event. There is transactional history of at least 5 years but the account itself (830) is a special deposits account used for custodial holding of donations on behalf of specific events. It's not an appropriation account of the General Fund in that the 830 Fund was established when the general ledger was established. That goes back to 1999. He does recall that they had transactional activity of the State of Women account for at least 6 years.

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Mayor Robertson stated that she believes he also at the direction of the City Administrator was asked to discuss that with the auditors and Council Member O'Connell on the concern about the establishment of the trust account?

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Mr. Harris stated that he was not a party to meeting that took place today. City Administrator Story took part in that meeting.

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City Administrator Story stated in the meeting today with Council Member O'Connell and City Treasurer Carrillo, the questions were asked in relation to the setup of the account. The auditors could only answer to the financial aspect of it and not the legal questions. They showed them other deposit accounts that had been setup. They asked if they had them in other cities. They had said yes, they had worked with them in other cities.

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City Treasurer Carrillo stated that they established immediately that they couldn't give an answer because most of the questions he had were asking for legal advice. The only thing they were able to confirm was that the recording of money coming in and going out was accurate.

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City Administrator Story stated this is strictly from his opinion based on the State of Women Event going on for 10 years and the involvement of the community and people at the dais, including himself who have been to the event. This is a City event, it was held at the Senior Center for all those years. They definitely outgrew the Senior Center and they had to find another venue. A property owner approached them at the advice of the former Mayor. At that time they offered to donate the use of the building for the event. The event was not set up and had been closed for years. It's where Chuze Fitness is now. Because they didn't have a tenant everything was shut off. They now had the City as a tenant for the short period of time to do that. He authorized the setup, the turning on of the water, electricity and gas for that short period. Last year, the venue wasn't available and then approached by another business owner in the community to hold the event. They utilized City resources to be able to set that up.

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Council Member Scott stated that every item on the list is important to the community and he does think it's for the community's benefit. While some of them might not attend every event or support every event. There are events that help families, empowering women, children's education, they are all important events. There was a remark to the Mayor about not attending the PD 5k Run.

TAB 4 - Special Events for Calendar Year 2016

Council Member Scott stated that he didn't attend the 5k either and it's not because he doesn't support the Rialto Police Department, their fallen heroes or anything else. He's had two heart attacks since Christmas and that's why he wasn't there. He has to take exception when somebody says one of them at the dais doesn't support an event because they don't show up at it. This is simply not the case. Some own businesses, some are school teachers, some of them have things to do. If they look at every one of the events on the list, they all cost money. Some of them have cost a lot of money. The reality is they are good events for the community. He brought up several weeks ago the possibility of the City being involved with MADD in a 5k walk/run. He asked the City Clerk to be involved in it. He asked the Police Chief to be involved in it. There may be some that will want to claim that he did that for his own personal gain. That is not true. He can't bring his son Eddie back, but if he can do anything in this community to save another teenager from being killed by an intoxicated driver of vehicle, he is going to do it. He looked at a blog today, which threatened him and Mayor Pro Tem Baca Jr. that if they voted along with the Mayor on these items that they would face re-election problems. He is not up there running for re-election tonight. He is not running for re-election in the next three years. He is trying to keep alive for the next three years so he can make a difference in this community and save some teenagers. He finds it appalling that they sit there arguing over items and attacking the Mayor. He ran against the Mayor in 2012, and it wasn't because they hated each other. They both wanted to be the Mayor. Sitting there tonight, he is glad he is not sitting where she is at. He could not do the job she has done. She does a great job as the Mayor of this City, she is involved in everything. She studies everything. She leads and she is all over the place. He appreciates that. If people want make criminal accusations, they can make them. If they want to go to the District Attorney, go to the District Attorney. If they want to go to the FPPC, go to the FPPC. Let them decide. What they are trying to do as a body, is clean up everything to make sure they've approved every single event. He can sit here and argue the point and ask why is the Fire Dept. up in Las Colinas passing out toys and gifts when they are ignoring South Rialto where he lives for 30 years. He thinks what they are doing in Las Colinas is great. Those people in the community who are out giving gifts to kids and deserving families is a wonderful thing to be doing. The budget for all the events on the list of \$182,000 is really not a lot of money in the real world of the City of Rialto. He is in support of every single event on this list. They have to be a community and they have to be doing things for their families and children. Giving back to the community for all the taxes and fees they pay in this City.

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TAB 4 - Special Events for Calendar Year 2016

Mayor Robertson stated that she takes issue with people assuming that if she is not in one place, she doesn't support something. She is only one person. The calendar is open to every Department Head and their staff. They know where she is at all times. The reason she was not at the Police 5k was that she had a prior engagement. She had been invited by the Mayor of Riverside and others to participate on a panel. It was an invited group of Mayors to be involved in that event at the University of Redlands. She feels bad, she can't be everywhere but she tries to be at as many places as she can to represent Rialto. People have said that, she is a Mayor that really represents the community. She is not going to sit there, and she is not one that normally cries, and defend the things she did. If they understood what this whole program started about nine years ago when they did a health assessment in the County and they found out that women, and especially women of color had the highest mortality rate in every indicator of disease and issues going on in this County. There was no plan, and that is how the State of the Women. They can pull it and pull it, and the Run Around the Rocks is Awareness for kids to understand the environment and geology. The money goes back to the kids. So yes, by virtue of her sitting in this position she is going to have some light on her. Yes, if her comments, when she got elected sounded like she was being very frank, she is. She does lead. She's led all her life. She is not a follower. She is not going to sit there and go through all of these things, the event will occur on March 5th. They can pick it apart if they want, but all of these things that people have put out and indicated and put on blogs and letters, she has appreciated it. They have been putting things in the public and they are allegations. She is waiting for the District Attorney's Office to come up and contact the City and inquire. She asked the City Administrator if he had an inquiry from the District Attorney's Office on anything that has been brought to him with the regard to the City Treasurer's concerns and allegations for this event or the other events.

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City Administrator Story stated no, he has not been contacted.

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Mayor Robertson stated that they can go on and on and debate this. This is a TAB item and they can act on it whatever way they want.

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Council Member O'Connell stated that he agrees with Council Member Scott referencing items on this list. He believes every single item is a benefit to the citizens. He also belongs to MADD, he lost a twin brother and a mom. He will be glad when he bring that event into the City. He is confused because it's not about the events themselves. He knows the Mayor thinks it's a personal attack, she mentioned women of color and a light on her but it's not about that. It's about the account and it has access to the General Fund. They should immediately freeze it to figure out what is going on. It's about coming up with events and putting them on and letting it happen like the Jazz Event.

TAB 4 - Special Events for Calendar Year 2016

Council Member O'Connell stated they as the City Council didn't know what was going on. These are good events and benefit a lot of people. But they could be much more beneficial to these people if they work together as a team. It's about leadership, let them know what is going on so they can support it. It's not about the events or the people they help. It's about transparency and honesty. Let's figure out who is using this account, let's stop it. It could be a legitimate reason, and all he is asking the Mayor to do that if she comes up with any other events to let them know so they can support her as a team.

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Mayor Pro Tem Baca Jr. stated that he hasn't been on City Council as long as the Mayor and Council Member Scott. In the nearly 10 years he has been on City Council, this actually the first time they approved the events as a body. It's important for them to talk about these events. The thing they don't talk about is that they don't charge for some of their service groups, they don't charge clean up fees. They spend more on some events. He came up with idea of the Sports Hall of Fame. The logic was to bring pride to some of the residents. Initially when he started he used to raise the money, so it didn't cost the city any money. But over time it's been difficult and the City has picked up the costs. All of them can't attend all the events. It doesn't mean they don't support it. Last year he went to the PD 5k and this year he couldn't go because his family foundation did a baseball camp. But what PD is trying to do to raise funds is for a great cause for the Fallen Officer Fund. All of these activities they have a lot of community support and some more attended than others. They all serve different segments of the community and he is in support of theses. He doesn't want politicize any of these events. Spending an hour on this, they have bigger issues here in the City to focus on. It's about looking at the whole chessboard not a couple of pieces. They have the right to not support it or not attend any of these events.

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City Attorney Galante stated they should have a separate vote for the five items. There was a suggestion that three additional events be added. This City Council can certainly add to the Resolution, there is an attachment that lists the items. If they had an estimate of those particular events and a general description as to the public benefit of those events. He heard Farmer's Market, Fire Dept. Fill the Boot and Fire Dept. Las Colinas Toy Drive. He is not sure the City Council's prerogative is to include that tonight. There was a comment about the location where the event occurs whether or not it's a City park, building, facility, again that is the City's prerogative to make that distinction but legally that does not change whether or not it's a public benefit. The location itself does not change the legal issue.

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TAB 4 - Special Events for Calendar Year 2016

City Administrator Story stated that the Certified Farmer's Market is a weekly Farmers Market that is put on through Healthy Rialto to provide healthy foods and alternatives for the community at \$6000 a year.

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Fire Chief Fratus stated the Fire Dept. Fill the Boot and Las Colinas Toy Drive he would need to go back and calculate those costs but it raises the question on how they would calculate that. The units that are assigned, the personnel are fully assigned to their normal mission. That is they are in full service in their district doing what they normally do. It is by nature of what they do. They never know what the next call is going to be so they keep them in a general district. It is certainly not additional cost. The cost of having them on duty is the same cost they would experience at any time. They can put a number to that but he would like direction if that is what they are looking for. The people involved with Fill the Boot, the majority are off duty volunteers. The apparatus there is just on standby but in full service.

He did some analysis of the Las Colinas Toy Drive and his estimation is if they were to take the number of miles driven and the cost of wear and tear and fuel would be about \$50 over the two days they participate in the event. The real cost would be personnel if they chose to include that. Personnel or not, they 100% committed to the normal mission of every day.

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Council Member Scott stated that its not overtime, they are basically on duty. If they have to leave there to go on a call. There is no difference.

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Council Member O'Connell asked what they can do about that account. Once they approve it, the items go into the General Fund they get stated there and get documented. But how can they address this account?

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City Attorney Galante stated that as far as which accounts are being used is really within the information from the Finance Director and City Treasurer. Once the City Council approves providing city funds or in-kind benefits then General Funds may be used without issue so long they are within the amounts budgeted. As far as which account that is for the Finance Director to address.

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Council Member O'Connell stated that this is an area he is not too familiar with. This is an account that is used to collect donations. If they go over then it gets siphoned from the General Fund. His understanding is if they make it a City event this account will never be used it has to go into the General Fund.

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TAB 4 - Special Events for Calendar Year 2016

George Harris, Administrative Service Director stated if General Funds were being used to fund the event now with this authorization, the question is now what happens with the donations that were made towards that event?

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City Treasurer stated that his assumption would be is that it would be put in the General Fund and account for it in the Special Events. So they wouldn't have to put it in a separate trust account. If it's an approved event now. The only reason that it's in a fiduciary account now because it was supposedly a non-event.

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Mayor Robertson stated she thinks they are going really off into a discussion of the details of the finance and what they have before them is the item on the policy and it was not dealing with how things are being reported.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by a 3-0 vote to approve Special Events for Calendar Year 2016 and the Estimated Costs Associated Totaling \$182,600 and approve Resolution No. 6880, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO FINDING THAT THE PUBLIC PURPOSE WOULD BE SERVED BY THE PROVISION OF CITY RESOURCES AND FUNDING FOR SPECIFIED SPECIAL EVENTS AND APPROVES SUCH SPECIFIED SPECIAL EVENTS FOR 2016"; adding the three events – Farmer's Market, Fill the Boot and Las Colinas Toy Drive and excluding the 5 events of conflict of interest. Council Member O'Connell and Council Member Palmer abstained from voting.

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Motion by Council Member O'Connell, second by Mayor Pro Tem Baca Jr. and carried by a 3-0 vote to approve the 5 events remaining on the list: Taste of Rialto, RunWhatchaBrung, National Night Out, Halloween Hi-Jinks, and Holiday Parade. Council Member Scott and Council Member Palmer abstained from voting.

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TAB 5 – Appointments and Reappointments to various City Commissions

City Clerk Barbara McGee presented the staff report regarding the appointments and reappointments of Rialto Residents on various City Commissions.

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**TAB 5 – Appointments and
Reappointments to various City
Commissions**

BEAUTIFICATION COMMISSION – 3-year term

Bashir Hollins-Muhammad – new appointment Term to 12/31/16
(Finishing term for previous Commissioner)

Lauren Maldonado – New appointment (Student) Term to 12/31/16

CABLE ADVISORY COMMISSION – 4 year term

Roy Mason reappointment Term to 12/31/19

Joe Lyons – reappointment Term to 12/31/19

HUMAN RELATIONS COMMISSION – 4 year term

Karen Lozano reappointment Term to 12/31/19

Obed M. Rojas – new appointment Term to 12/31/17
(Finishing term for previous Commissioner)

MOBILE HOME COMMISSION – 4 year term

Jacquelyn Bernena Greene – new appointment Term to 12/31/19

PLANNING COMMISSION – 4 year term

Jerry Gutierrez- reappointment Term to 12/31/19

UTILITIES COMMISSION – 4 year term

June Hayes - reappointment Term to 12/31/19

James Martin Shields – new appointment Term to 12/31/19

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ORAL COMMUNICATIONS

David Phillips stated that he questions the process for selecting people to be on commissions.

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June Hayes stated that she has attended City Council Meetings for 24 years. She has sat on the Utilities Commission for 20 years. She supports the Mayor's right to make those appointments.

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Mayor Robertson stated that the process they used was first looking at the vacancies and at those who expressed specific interests in those commission vacancies. Then they had those that indicated they were open to anything. That was the path they followed.

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Mayor Pro Tem Baca Jr. stated they had concerns of attendance of commissioners. There are some commissioners with some attendance issues so they going to make sure they put them on notice. The other thing they noticed was they didn't have a lot of applicants. He would like to encourage more residents to apply. If they don't become a part of one commission, be willing to take another commission.

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TAB 5 – Appointments and Reappointments to various City Commissions

Council Member O'Connell stated that he appreciates all the commissioners for being involved and giving up their time, the majority of them for free to have an impact on the City. Usually, events and things go before them before it goes to City Council. He knows June Hayes has become a water expert during her time as a commissioner. He would like for them to do a background on commissioners going forward. He would hate to bring someone in that would tarnish the rest of them. This would put the commissioners on a higher level.

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Council Member Scott stated that he too appreciates every commissioner. He didn't know June Hayes has been a Commissioner for 20 years. He remembers when he applied for the Planning Commission and he had 25 years of construction and engineering industry and the then Mayor Longville told him he wasn't qualified. As to Council Member O'Connell's request about background checks in theory it might be good idea but the reality is he doesn't think it's proper. They don't do background checks on people who run for office. Why would they do background checks on city commissioners?

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Mayor Pro Tem Baca Jr. stated that the City Clerk's Office does verify the residency of each applicant. There have been times in the past where people have a business in the community and they have tried to become commissioners on their business.

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Mayor Robertson stated that they asked staff to send them a letter informing them exactly why a business does not qualify to be a commissioner.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to approve the appointments and reappointments of Rialto Residents on various City Commissions and authorize the City Clerk to provide written notification.

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TAB 6 - Construction and Credit Agreement between the City of Rialto and PSIP RIALTO, L.P.

Robb Steel, Development Services Director presented the staff report regarding the Construction and Credit Agreement by and between the City of Rialto and PSIP RIALTO, L.P.

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Mayor Robertson left the dais at 8:17 pm and returned at 8:20 pm

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Motion by Council Member Scott, second by Council Member Palmer and carried by a 4-0 vote to (1) Adopt Resolution No. 6881 Approving a Construction and Credit Agreement by and between the City of Rialto and PSIP RIALTO, L.P., in the amount of \$624,994 and (2) Adopt Budget Resolution No. 6882. Mayor Robertson was absent.

TAB 7 - Bond Proceeds Expenditure Agreement to transfer in Fiscal Year 2016-17

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Robb Steel, Development Services Director presented the staff report regarding Bond Proceeds Expenditure Agreement to transfer in Fiscal Year 2016-17 \$320,000 from the 2005 Series "A" Bond and \$100,000 from the 2008 Series "A" Bond.

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Council Member Scott asked for an update on the Pepper Ave on/off ramps.

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Robert Eisenbeisz, Public Works Director stated that SANBAG has completed the environmental review and that has been certified. They are currently working on finalizing the package to be ready to list. The latest schedule is they will be meeting in another week for another team meeting. They will be looking to list for bids in the next 30 – 60 days and construction will start in late summer. 18 months construction window. Partly because they will keep Pepper open for the majority of that time. It will take more time for traffic control.

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Mayor Pro Tem Baca Jr. stated one of the exciting things about this project's is not only the on/off ramps but he sees this as an economic engine. So the potential interest they have had here this could potentially do a lot for the City.

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Mr. Steel stated that they have a specific plan they are preparing for the area to set the land use plan for the area when the on/off ramps are installed. That is scheduled to come before the Planning Commission and City Council in late summer, early fall. The conceptual plans are on the streets now as part of the environmental review showing designated primarily for retail. There are only a handful of property owners to attract some large scale retail to the location. Because it has great freeway exposure and good on/off ramp access. They have had a lot interest and as they get closer to actually building the connections that interest will grow.

They held a Community Workshop last Thursday, an informal scoping session and some one-on-one with the residents who visited so they saw some of the land use plans. Some of the more detailed drawings and then some conceptual drawings for what could go there.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member O'Connell and carried by unanimous vote to adopt City Resolution No. 6883 and RSA Resolution No. SA4-16 approving Bond Proceeds Expenditure Agreement between the Successor Agency and the City of Rialto to transfer in Fiscal Year 2016-17 \$320,000 from the 2005 Series "A" Bond and \$100,000 from the 2008 Series "A" Bond to the City for various improvement projects.

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TAB 8 - Professional Service Agreement with MIG|Hogle-Ireland for On-call Advance Planning Services

Robb Steel, Development Services Director presented the staff report regarding a Professional Service Agreement with MIG|Hogle-Ireland for On-call Advance Planning Services.

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Mayor Robertson requested to be included into the approval of the agreement, she would like the technical support to be a part of the monthly economic development committee. It's important for them to get the perspective from the sub-committee and policy members rather than just providing technical support to staff.

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Motion by Council Member Scott, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to Authorize a Professional Service Agreement with MIG|Hogle-Ireland for On-call Advance Planning Services not to exceed \$150,000.

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TAB 9 - Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project – Zone 1

Robert Eisenbeisz, Public Works Director presented the staff report regarding the Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project (Zone 1).

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Council Member O'Connell stated that was a lot of information, basically its putting a million dollars to fix all the cracks they have throughout the City. It's a one-time punch to get them caught up. What is great about this is they can then start all over. Anything that comes they can rate it so they are addressing the most serious at first. They have been listening to the residents, they want them to address it. He appreciates that they are splitting it up among four so they are addressing it a lot quicker.

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Council Member Scott stated that he agrees that splitting it up is a good idea. Are there additional funds available as a result of bidding this out in the event they find some other locations that are in equally bad shape?

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Mr. Eisenbeisz stated yes, after all four projects there is still over \$500,000 that would still be available for this purpose. The intent would be to come back with a future project. The funds would carry over after June.

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TAB 9 - Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project – Zone 1

Council Member Scott stated that it doesn't appear to him they have had the best of luck with inspection services on public works projects and they have had huge issues. He would refer to the Metrolink parking lot and the mess up on the lights. He refers to the work that was done downtown that eventually got done and more recently the bus pad that doesn't seem to be completed that has a fence sticking out on Riverside Avenue that is very dangerous. What are they doing to ensure that Willdan is doing their job and earning their money?

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Mr. Eisenbeisz stated the first step is hiring a construction inspector so they hope to find someone qualified.

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City Administrator Story stated that they met with Willdan because with four projects going, over the next 30-45 days the City will be torn up, so to provide an additional inspector not one person doing four areas. Two for each of the areas to stay on top of it.

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Council Member Scott stated that as you go into those areas he is assuming they have identified what needs to be replaced. If they see additional stuff in those areas he is assuming that will be done.

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Mr. Eisenbeisz stated that is exactly why they want the contingency authority for the City Administrator. The last thing they want to do is walk away with a brand new piece and not address something right next to it that may not have been there at the time of the original survey.

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Mayor Robertson stated that she knows they wanted the contingency and they set it at a flat number. While they said they had four different projects, they actually only have three contractors and two of the sites have to have the contractor. She hopes everything stays and moves forward and keep on their schedule.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to (1) Award a Construction Contract to Unique Performance Construction, Inc., in the amount of \$227,559.75 for the Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project (Zone 1); (2) Authorize a Purchase Order with Willdan Engineering in the Amount of \$22,200 for Construction Management and Inspection Services for the Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project (Zone 1); (3) Delegate Authority to the City Administrator to Approve and Execute Construction Contract Change Orders up to a Cumulative Amount of \$15,000.

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TAB 10 - Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project – Zone 2

Robert Eisenbeisz, Public Works Director presented the staff report regarding the Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project (Zone 2).

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Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to approve (1) Award a Construction Contract to Smart Tech Group, Inc., in the amount of \$201,384.75 for the Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project (Zone 2); (2) Authorize a Purchase Order with Willdan Engineering in the Amount of \$22,200 for Construction Management and Inspection Services for the Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project (Zone 2); (3) Delegate Authority to the City Administrator to Approve and Execute Construction Contract Change Orders up to a Cumulative Amount of \$15,000.

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TAB 11 - Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project – Zone 3

Robert Eisenbeisz, Public Works Director presented the staff report regarding the Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project (Zone 3).

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Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to approve (1) Award a Construction Contract to SmartTech Group, Inc., in the amount of \$190,510.25 for the Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project, (Zone 3); (2) Authorize a Purchase Order with Willdan Engineering in the Amount of \$22,200 for Construction Management and Inspection Services for the Annual Non-CDBG Curb, Gutter, and Sidewalk Improvement Project, (Zone 3); (3) Delegate Authority to the City Administrator to Approve and Execute Construction Contract Change Orders up to a Cumulative Amount of \$15,000.

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TAB 12 - Annual CDBG Curb, Gutter, and Sidewalk Improvement Project and Maple Avenue Improvement Project

Robert Eisenbeisz, Public Works Director presented the staff report regarding the Annual CDBG Curb, Gutter, and Sidewalk Improvement Project and Maple Avenue Project.

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Motion by Council Member Scott, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to approve 1) Award a Construction Contract to R-JS General Construction, Inc., in the amount of \$345,451.25 for the Maple Avenue Improvement Project and the Annual CDBG Curb, Gutter, and Sidewalk Improvement Project; (2) Authorize a Purchase Order with Willdan Engineering in the Amount of \$66,300 for Construction Management and Inspection Services for the Maple Avenue Improvement Project and the Annual CDBG Curb, Gutter, and Sidewalk Improvement Project; (3) Delegate Authority to the City Administrator to Approve and Execute Construction Contract Change Orders up to a Cumulative Amount of \$15,000.

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CLOSED SESSION

Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to return to Closed Session at 8:48 pm

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CALL TO ORDER

Mayor Robertson called the meeting back to order at 10:00 p.m. with all members of City Council present.

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City Attorney's Report on Closed Session

City Attorney Galante stated that City Council reconvened into Closed Session to discuss the balance of the Closed Session items.

3. Conference with Legal Counsel - Anticipated Litigation: Initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9. Number of cases: One case. The City Council heard a discussion and no reportable action was taken.
4. City Council held a Conference with Labor Negotiator regarding the following recognized employee organizations: RPBA General Bargaining Unit, RPBA Management Bargaining Unit, and RMMA Bargaining Unit. The City Council provided direction and no reportable action was taken.

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REPORTS

City Council gave their reports.

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ADJOURNMENT

Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to adjourn the City Council meeting at 10:12 p.m.

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